

Town Board Minutes

April 5, 2004

Meeting No. 13

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5th day of April at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
JOHN DUDZIAK, DEPUTY TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- Questions about the proposed changes to rezone application by developer for Homes By Natale on William Street.

Hojczyk, Bill, 106 Newberry Lane, spoke to the Town Board on the following matters:

- Questioned the Town Board about activity he has noticed in the area of the proposed Pleasant Meadows Subdivision.
- Has concerns about the wetlands and feels that development of the land will negatively impact his home and property.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questions about funding for police services.
- Requests answers in writing.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Questions about Town Code Book on website.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application for a Special Use Permit to operate a used automobile sales business on premises situate at 503 Pavement Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
William Kornacki, the petitioner	503 Pavement Road	Proponent
Henry Gull	710 Pavement Road	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, AND
SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE
PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:38 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:38 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed local law which designates the Exemption Schedule for disabled persons by amending §40-17 of Article 4 of Chapter 40-Taxation of the Code of the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND
SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE
PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:40 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

April 5, 2004

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or older on a graduated scale based upon income.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND
SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE
PUBLIC HEARING which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:42 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

April 5, 2004

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2004 entitled “Notification of Defects”.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Jim Brett	659 Harris Hill Road	Questions/Comments
Dan Beutler	26 Tyler Street	Questions/Comments

ON MOTION BY COUNCIL MEMBER AMATURA, AND
SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE
PUBLIC HEARING which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:55 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

April 5, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held March 15, 2004 and the Regular Meeting of the Town Board held March 15, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., has requested
additions to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individuals:

<u>ADDITIONS:</u>	
David Stonebraker 54 Maple Drive Bowmansville, New York 14026	Charles Contrino 2099 Town Line Road Alden, New York 14004
Chuck Contrino 2099 Town Line Road Alden, New York 14004	Joseph Contrino 2099 Town Line Road Alden, New York 14004

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Samuel, Son & Co., Inc., 4334 Walden Avenue, Lancaster, New York, has submitted a Site Plan prepared by Stromecki Engineers, PC dated February 26, 2004 and received March 3, 2004 for the construction of a 2,500 sq. ft. office addition to an existing building located at 4334 Walden Avenue, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting March 17, 2004, has recommended approval of this project, and

WHEREAS, this project is an unlisted action under SEQR and the Town Board has determined that there is no need for review.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Samuel, Son & Co., Inc., prepared by Stromecki Engineers, PC dated February 26, 2004 and received March 3, 2004 for the construction of a 2,500 sq. ft. office addition to an existing building located at 4334 Walden Avenue, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is committed to fair and equitable assessment practices, and

WHEREAS, fair and equitable assessments lead to a fair distribution of the local property tax burden, and

WHEREAS, increasing unfunded state mandates continue to shift the burden of supporting state programs with local property tax dollars, and

WHEREAS, the New York State Real Property Law requires condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupts the desire and credibility of local officials to deliver a fair property assessment and tax system, and

WHEREAS, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equity in an ever-increasing number of communities, and

WHEREAS, the Town Board deems it in the public interest to memorialize the New York State Assembly, New York State Senate and Governor George Pataki of its support for legislation which would address this inequity.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby lends its unconditional support of Assembly Bill 9827 and Senate Bill 5870, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster strongly recommends the passage of each bill, respectively, by the Assembly and Senate, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster strongly recommends that Governor George Pataki sign this all important legislation into law once it has passed the Assembly and Senate.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

File: rassessment404

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board has reviewed the town promulgated specifications for sidewalks which are constructed within the Town of Lancaster, and

WHEREAS, the Town Board after due review and consideration and after further receiving input from the Planning Board deems it in the public interest to amend the sidewalk specifications to provide that the minimum width of all newly constructed sidewalks shall be five (5) feet rather than the current four (4) feet;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the Town of Lancaster specifications, Sidewalks, Section 8.05 by revoking the present Section 8.05 and replacing it with the following:

Section 8.05. The minimum width of sidewalks constructed in the Town of Lancaster after May 1, 2004 shall be five (5) feet. Existing walks which are less than five (5) feet shall remain acceptable and replacement of existing sidewalks to their present width is also deemed acceptable. This Section will apply to new sidewalks constructed within the Town of Lancaster whether within or without a subdivision development.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Town Line Volunteer Fire Department, Inc., 63 Cemetery Road, Lancaster, New York, has submitted a Site Plan prepared by Kulback’s Construction, Inc. dated March 2004 and received March 3, 2004 for the construction of a 1,600 sq. ft. addition to an existing building located at 63 Cemetery Road, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting March 17, 2004, has recommended approval of this project, and

WHEREAS, this project is an unlisted action under SEQR and the Town Board has determined that there is no need for review;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Town Line Volunteer Fire Dept. Inc., prepared by Kulback’s Construction Inc. dated March 2004 and received March 3, 2004 for the construction of a 1,600 sq. ft. addition to an existing building located at 63 Cemetery Road, in the Town of Lancaster contingent on the petitioner providing a final finished floor elevation to the Town Building Inspector.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board has by board resolution on July 1, 2002 approved the site plan for the Wehrle Commons Office Park, and

WHEREAS, the developer has proposed a slight modification to the site plan to improve the parking which would include splitting the detention basins on the original plan between buildings 3 and 5 and also between 4 and 6 without reducing the area of the detention ponds or increasing the number of parking spaces, and

WHEREAS, the Town Board has reviewed the revised plan and deems the changes to be minor in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the revised Site Plan as submitted by North Forest Development, LLC which divides the detention pond between building 3 and 5 and also the detention pond between building 4 and 6 without reducing total area of the ponds and with no increase in the number of parking spaces.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 24 (B) (1) of the Code of the Town of Lancaster, upon the application of **Donald C. Babcock**, owner of **Walden Collision**, for a Special Use Permit for an automobile sales business on premises located at 4274 Walden Avenue in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 24 (B) (1), entitled “Light Industrial District ” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Donald Babcock owner of Walden Collision, located at 4274 Walden Avenue, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 2 of the Year 2004 repealing and deleting §40-17 entitled Exemption Schedule of Chapter 40-Taxation of the Code of the Town of Lancaster, and enacting in place thereof a new §40-17 of Article IV of Chapter 40 was introduced to the Town Board of the Town of Lancaster on March 15, 2004, and

WHEREAS, a public hearing was duly called and held pursuant to law on April 5, 2004;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 2 of the Year 2004, repealing and deleting §40-17 - Exemption Schedule of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster and enacting a new §40-17 of Article IV of Chapter 40-Taxation in place thereof, as follows:

TAXATION
CHAPTER 40 - ARTICLE IV

TAXATION
§40-17 - EXEMPTION SCHEDULE
LOCAL LAW NO. 2
OF THE YEAR 2004

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §40-17 OF CHAPTER 40 - TAXATION, AND ENACTING IN PLACE THEREOF A NEW §40-17 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That §40-17 of Article IV of Chapter 40-Taxation be and is hereby deleted.

SECTION 2. That a new §40-17 of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

§40-17. **Exemption Schedule.**

Real property owned by one or more persons with disabilities, or real property as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$24,000	50 per centum
More than \$24,000. but Less than \$25,000	45 per centum
More than \$25,000. but Less than \$26,000	40 per centum
More than \$26,000 but Less than \$27,000	35 per centum
More than \$27,000 but Less than \$27,900	30 per centum
More than \$27,900 but Less than \$28,800	25 per centum
More than \$28,800 but Less than \$29,700	20 per centum
More than \$29,700 but Less than \$30,600	15 per centum
More than \$30,600 but Less than \$31,500	10 per centum
More than \$31,500 but Less than \$32,400	5 per centum

SECTION 3. This Local Law shall become effective upon filing with the Office of the Secretary of State.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

- 1. Immediately post a copy of Local Law No. 2 of the Year 2004 on the Town Bulletin Board;
- 2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
- 3. Maintain a file in the Town Clerk’s Office on Local Law No.2 of the Year 2004, with all proofs of publication and posting required for adoption; and
- 4. File certified copies of Local Law No. 2 of the Year 2004 within ten (10) days of adoption with:
 - a) Town Clerk’s office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 2
OF THE YEAR 2004
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 5, 2004, Local Law No. 2 of the Year 2004, deleting and repealing §40-17 of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, and enacts in place thereof a new §40-17 of Article IV of Chapter 40, of the Code of the Town of Lancaster, briefly described as follows:

A Local Law which repeals Section 40-17 of Article IV, Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new §40-17 of Article IV of Chapter 40, of the Code of the Town of Lancaster.

This Local Law sets forth the Exemption Schedule for disabled persons by amending the above section of the Town Code.

**TOWN BOARD OF THE
TOWN OF LANCASTER
BY: JOHANNA M. COLEMAN
TOWN CLERK**

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York has been amended to authorize exemption from real property taxation on a graduated scale for Senior Citizens sixty-five (65) years of age or who become sixty-five (65) years of age after taxable status date, but on or before December 31 of the calendar year, with a total income of not more than \$24,000 to a total not exceeding \$32,400, and

WHEREAS, the increase in income eligibility for Town taxes will place no particular burden on the taxpaying public, but will materially improve the economic ability of our senior citizens in coping with the ravages of inflation while living on a fixed retirement income in their declining years, and

WHEREAS, the Town Board deems it in the public interest to adopt and enact said exemption from real property taxation on said graduated scale;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts and enacts the following Senior Citizen Tax Exemption:

SENIOR CITIZENS TAX EXEMPTION

1. Exemption granted.
- Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over or who become sixty-five (65) years of age after taxable status date, but before December 31st of the calendar year, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM</u>
Not More than \$24,000	50 per centum
More than \$24,000 but Less than \$25,000	45 per centum
More than \$25,000but Less than \$26,000	40 per centum
More than \$26,000 but Less than \$27,000	35 per centum

More than \$27,000 but Less than \$27,900	30 per centum
More than \$27,900 but Less than \$28,800	25 per centum
More than \$28,800 but Less than \$29,700	20 per centum
More than \$29,700 but Less than \$30,600	15 per centum
More than \$30,600 but Less than \$31,500	10 per centum
More than \$31,500 but Less than \$32,400	5 per centum

2. When effective:

This Resolution shall be effective immediately.

and

BE IT FURTHER,

RESOLVED, that a Notice of the adoption of this real property exemption for Senior Citizens shall be published in the Lancaster Bee on April 8, 2004 in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO
SENIOR CITIZENS EXEMPTIONS
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, at its meeting held April 5, 2004, adopted and enacted the following Senior Citizen Tax Exemption from real property taxation, in accordance with §467 of the Real Property Tax Law of the State of New York:

SENIOR CITIZENS TAX EXEMPTION

Exemption granted.
Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, or who become sixty-five (65) years of age after taxable status date, but before December 31st of the calendar year shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM__</u>
Not More than \$24,000	50 per centum
More than \$24,000 but Less than \$25,000	45 per centum
More than \$25,000 but Less than \$26,000	40 per centum
More than \$26,000 but Less than \$27,000	35 per centum
More than \$27,000 but Less than \$27,900	30 per centum
More than \$27,900 but Less than \$28,800	25 per centum
More than \$28,800 but Less than \$29,700	20 per centum
More than \$29,700 but Less than \$30,600	15 per centum
More than \$30,600 but Less than \$31,500	10 per centum
More than \$31,500 but Less than \$32,400	5 per centum

**TOWN BOARD OF THE
TOWN OF LANCASTER
BY: JOHANNA M. COLEMAN
TOWN CLERK**

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, THEODORE B. KULBACKI, 2 Wendling Court, Lancaster, New York 14086, has submitted a Site Plan prepared by Kulback’s Construction, Inc., dated February 2004 and received March 3, 2004 for the proposed construction of a new 5,000 square foot single story office building, (**Hunt Real Estate**) located on Como Park Boulevard (SBL No. 115.01-2-2.12, on the south side of Como Park Boulevard, west of the intersection of Como Park Boulevard and Penora Street and directly to the west of Edukids Early Childcare Center), in the Town of Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting March 17, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held January 20, 2004 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **THEODORE B. KULBACKI**, and prepared by Kulback’s Construction, Inc., dated February 2004 and received March 3, 2004 for the proposed construction of a new 5,000 square foot single story office building (**Hunt Real Estate**) located on Como Park Boulevard (SBL No. 115.01-2-2.12, on the south side of Como Park Boulevard, west of the intersection of Como Park Boulevard and Penora Street and directly to the west of Edukids Early Childcare Center), in the Town of Lancaster, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief, by letter dated March 23, 2004, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the position of seasonal employee for the summer season of 2004 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Matthew Steimer (rehire) 79 Court Street Lancaster, New York	Laborer	\$8.50 hr.
Martin Kostek 57 Brunck Road Lancaster, New York	Laborer	\$6.25

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

PREFILED RESOLUTION NO. 13 - MEETING OF 4/5/04

Giza/ _____ Adopt Local Law No. 3-2004 Entitled “Notification Of Defects”

At the request of Supervisor Giza, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, it has become necessary to rescind the resolution adopted on March 15, 2004 which appointed Michael Salva Program Coordinator, temporary, effective March 29, 2004 for the Youth Bureau during the absence of the current Program Coordinator.

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted March 15, 2004 appointing Michael Salva Program Coordinator, temporary, effective March 29, 2004 for the Youth Bureau during the absence of the current Program Coordinator be rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Clerk of the Town of Lancaster causes zoning pamphlets of Chapter 50-Zoning of the Code of the Town of Lancaster to be published by General Code Publishers Corp. of Rochester, New York for internal use by various officials and departments of the Town of Lancaster and for distribution to the public at a price of \$15 as set by Town Board resolution on December 17, 1990, and

WHEREAS, the Clerk has recommended a new sale price of \$20 per zoning booklet due to increased cost in publishing and printing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to sell to the general public zoning pamphlets of Chapter 50- Zoning of the Town of Lancaster for the price of \$20 each.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated March 29, 2004, has recommended the appointment of Patrick McDonald to the position of Program Coordinator, temporary, for the Youth Bureau during the leave of absence of the current Program Coordinator.

NOW, THEREFORE, BE IT

RESOLVED, that Patrick McDonald, 120 Pleasant Avenue, Lancaster, New York 14086 be and is hereby appointed to the position of Program Coordinator, temporary, in the Youth Bureau of the Town of Lancaster, effective April 5, 2004, at an hourly rate of \$16.61 (which is 75% of the regular Program Coordinator salary), with no benefits.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Lancaster Arts In the Village sponsors an art show in the Village of Lancaster each September and has asked permission to use the Opera House at the Town Hall to incorporate music and film into the art show, and

WHEREAS, the group has also asked that the Town Board provide a measure of financial support not to exceed \$1,000 for this community program, and

WHEREAS, the arts group will assume responsibility for cleanup of the Opera House after its use;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Lancaster Arts In The Village to use the Opera House if it is not otherwise in use for performances carried out by Lancaster Opera House Inc. or otherwise booked, for a music and film festival as a part of the art show in the Village of Lancaster held in September 2004 upon the condition that the arts group is responsible for cleanup and maintenance issues related to its use, and

BE IT FURTHER

RESOLVED, the Town Board approves financial support in a sum not to exceed \$1,000 to the Lancaster Arts in the Village for the art show and music and film festival with the arts group providing an accounting of its expenses before payment is made by the Town to the group.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

File: rlancasterartsinthevillage404

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Seneca Development and Management Corporation has proposed a Memorandum of Understanding (MOU) for the Lancaster Industrial Park, said Memorandum of Understanding to involve Casilio Seneca LLC, the Lancaster Industrial Development Agency (LIDA), the Town of Lancaster, the Erie County Industrial Development Agency and the County of Erie, and

WHEREAS, the respective counsels for the LIDA and the Town have reviewed the proposed Memorandum of Understanding, and

WHEREAS, the Town Board deems it in the public interest to enter into this Memorandum of Understanding which is non-binding in nature and which sets forth certain actions which the parties will attempt to take in regard to the abandoned rail line presently owned by the Town of Lancaster which as a part of this proposed agreement would be sold to the LIDA;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into the Memorandum of Understanding as attached hereto and made a part hereof between Casilio Seneca LLC, the Erie County Industrial Development Agency, the Lancaster Industrial Development Agency, the County of Erie and the Town of Lancaster.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Richard L. Reese, 2659 Wehrle Drive, Williamsville, New York 14221 has applied for a Dumping Permit for property situated at 120 Schlemmer Road, within the Town of Lancaster, pursuant to Chapter 22_8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Richard L. Reese, 2659 Wehrle Drive, Williamsville, New York 14221 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 120 Schlemmer Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should be aware that if he intends to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Schlemmer Road.
5. Fill area shall be topsoiled and seeded upon completion of filling.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.

- 8. Swales shall be developed along the front property line in order to direct the flow of water to the side property lines.
- 9. The source of fill will be from Peppermint Road spoils and excess excavated material from National Fuel Gas projects.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

File: RPERMIT.DUM(3-4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, General Code Publishers Corp. has proposed to establish the Town Code in a software program, and

WHEREAS, the Town Clerk has reviewed the proposal and recommends to the Town Board that the Town expend the funds to provide the Code Book in a software program, and

WHEREAS, the Town Board deems it in the public interest to set up the Town Code Book in a software program for the proposed price of \$3,650 which includes the first year maintenance and with the annual fees and maintenance of \$500 per year thereafter, and

WHEREAS, the Town Board deems it to be additionally beneficial to add the option of the E-Code Service for the first year proposed price of \$500 which includes maintenance and with the annual fees and maintenance of \$300 per year thereafter;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into the agreement with General Code Publishers Corp. to provide the Town Code in a software program pursuant to the terms of the proposal as recited hereinabove and further set out in the proposal attached hereto and made a part hereof.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 7866 to Claim No. 8241 Inclusive
Total amount hereby authorized to be paid: \$248,135.02

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004
File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:
RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12_1B. of the Code of the Town Lancaster are
waived for this permit.
(CSW) = Conditional sidewalk waiver.
(V/L) = Village of Lancaster

NEW PERMITS:

11482	Favata, Angelo	94 Newberry Ln	Er. Deck	
11483	Banaszak, Raymond	18 Hinchey Ave	Er. Res. Plumbing	(V/L)
11484	Albert V. Randaccio	4 Heathrow Ct	Er. Dwlg._Sin.	
11485	Cadby, Lee	954 Ransom Rd	Er. Comm. Bldg.	
11486	Majestic Pools Inc	40 Cedar Brook Dr	Er. Pool_In Grnd	
11487	Majestic Pools Inc	40 Cedar Brook Dr	Er. Fence	
11488	Majestic Pools Inc	7 Primrose Ln	Er. Pool_In Grnd	
11489	Majestic Pools Inc	7 Primrose Ln	Er. Fence	
11490	Majestic Pools Inc	53 Parkdale Dr	Er. Pool_In Grnd	
11491	Majestic Pools Inc	53 Parkdale Dr	Er. Fence	
11492	Tills, Shannon	11 St John St	Er. Res. Add.	(V/L)
11493	81 & 3 of Watertown Inc	4891 Transit Rd	Er. Sign_Temp	
11494	Duro_Shed Inc	3 Heather Ln	Er. Shed	(V/L)
11495	Amherst Superior Fence	131 Norris Ave	Er. Fence	(V/L)
11496	Albert V. Randaccio	10 Heathrow Ct	Er. Dwlg._Sin.	
11497	McKillen, T	595 Lake Ave	Er. Res. Add.	
11498	Beauty Pools Inc	32 Chestnut Corner	Er. Fence	
11499	Beauty Pools Inc	32 Chestnut Corner	Er. Pool_In Grnd	
11500	Beauty Pools Inc	7 Fieldstone Ln	Er. Fence	
11501	Beauty Pools Inc	7 Fieldstone Ln	Er. Pool_In Grnd	
11502	Iroquois Fence Co	56 Michael's Walk	Er. Fence	
11503	Voight, Gary	8 Michael Anthony Ln	Er. Res. Add.	
11504	Forbes Homes Inc	12 Valley Overlook Dr	Er. Dwlg._Sin.	
11505	Cox, Bonnie	19 Elm Pl	Repl. Windows	(V/L)
11507	Duro_Shed Inc	84 Wilkshire Pl	Er. Shed	(V/L)
11508	Marrano/Marc Equity	34 Apple Blossom Blvd	Er. Dwlg._Sin.	
11509	Marrano/Marc Equity	49 Summerfield Dr	Er. Dwlg._Sin.	
11510	Marrano/Marc Equity	21 Ashwood Ct	Er. Dwlg._Sin.	
11511	Bison Fence Co	48 Park Blvd	Er. Fence	(V/L)
11512	Majestic Pools Inc	147 Siebert Rd	Er. Fence	

11514	Majestic Pools Inc	206 Belmont St	Er. Fence
11515	Majestic Pools Inc	206 Belmont St	Er. Pool_In Grnd
11516	Majestic Pools Inc	15 Parkedge Dr	Er. Fence
11517	Majestic Pools Inc	15 Parkedge Dr	Er. Pool_In Grnd
11518	Albert V. Randaccio	12 Chestnut Corner	Er. Dwlg._Sin.
11519	Forbes Homes Inc	9 Heathrow Ct	Er. Dwlg._Sin.
11520	Duro_Shed Inc	15 Deerpath Dr	Er. Shed
11521	Duro_Shed Inc	147 Schwartz Rd	Er. Shed
11522	Robinson, Scott	28 Hampton Ct	Er. Shed
11523	Classic Fence & Lumber	45 Hillside Pky	Er. Fence
11524	Iroquois Fence Co	36 Sussex Ln	Er. Fence
11525	Erie Logistics	5873 Genesee St	Er. Comm. Alt.
11526	North Forest Devel	2801 Wehrle Dr	Er. Sign_Wall - Suite 14
11527	North Forest Devel	2801 Wehrle Dr	Er. Sign_Wall - Suite 13
11528	Bison Fence Co	1120 Ransom Rd	Er. Fence
11529	North Forest Devel	2805 Wehrle Dr	Er. Sign_Wall - Suite5
11530	North Forest Devel	2805 Wehrle Dr	Er. Sign_Wall _ Suite 6
11531	North Forest Devel	2805 Wehrle Dr	Er. Sign_Wall _ Suite 8
11532	North Forest Devel	2805 Wehrle Dr	Er. Sign_Wall _ Suite 9
11533	Duro_Shed Inc	23 Bentley Cir	Er. Shed
11534	Wodowski, Pamela	5730 Broadway	Er. Fence
11535	North Forest Devel	2805 Wehrle Dr	Er. Sign_Wall _ Suite 10
11536	City Fence Inc	18 Via Donato W	Er. Fence
11537	Another Custom Home	34 Towne Square Dr	Er. Townhouses
11538	Iroquois Fence Co	38 Sussex Ln	Er. Fence
11539	Rich Pools Inc	7 Regency Ct	Er. Pool_Abv Grnd
11540	Duro_Shed Inc	267 Enchanted Forest N	Er. Shed
11541	Zack, Daniel	114 Peppermint Rd	Er. Deck
11542	Phillips, John	255 Westwood Rd	Alter Exist. Barn
11543	Duro_Shed Inc	10 Park Walk	Er. Shed
11544	JLB Installations Inc	2 Devonshire Ln	Er. Pool_In Grnd
11545	JLB Installations Inc	2 Devonshire Ln	Er. Fence

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004
File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Amatura, on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Town Justices Timothy Dwan, and J. Michael Kelleher, by letter dated March 16, 2004, have recommended the appointment of Irving W. Dehn to the position of Court Officer, part time during court proceedings, for the Justice Court of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Irving W. Dehn, 38 Dorset Drive, Depew, New York 14043, be and is hereby appointed to the position of Court Officer, part time, in the Justice Court of the Town of Lancaster, effective April 15, 2004, at \$12.50 per hour, working a minimum of three (3) hours per court session (usually two (2) court sessions a week), with no benefits.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 5, 2004

File: RPERS\RPERS.APP (P18)

COMMUNICATIONS & REPORTS:

141. Renaldo & Palumbo, Attorneys to Supervisor -
Letter requesting changes to proposed rezone application of Homes by Natale, 5067 William Street. DISPOSITION = Planning Committee
142. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from Town Forestry Department regarding landscape plans of Samuel, Son & Co., 4334 Walden Avenue; Hunt Real Estate Office, south side of Como Park Blvd.; Town Line Volunteer Fire Department, Cemetery Road.
DISPOSITION = Planning Committee
143. Bluebonnet Consulting, Inc. to Town Clerk -
Advisement of application by Fox Valley Beverage Corporation for renewal of liquor license. DISPOSITION = Town Attorney
144. Town Line Volunteer Fire Department, Inc. to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 4/5/04
145. Assessor to Town Board -
Request for resolution in support of NYS Senate Bill S.5870 and Assembly Bill A.9827 regarding assessment of condominiums. DISPOSITION = Resolution 4/5/04
146. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department for site plan of proposed addition to Town Line Fire Dept., Cemetery Road. DISPOSITION = Resolution 4/5/04
147. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department for site plan of proposed Real Estate Office, Como Park Boulevard. DISPOSITION = Resolution 4/5/04
148. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department for site plan of proposed addition to Samuel, Son, & Co., Walden Avenue. DISPOSITION = Resolution 4/5/04
149. Erie County Dept. of Environment & Planning to Town Attorney -
Comments regarding Preliminary Plat Plan Review of proposed Pleasant Heights Subdivision, Pleasantview Drive and Forton Drive. DISPOSITION = Planning Committee
150. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held March 17, 2004.
DISPOSITION = Received & Filed
151. Planning Board to Town Board -
Recommend approval of Site Plan Review of proposed Tim Horton's Restaurant, N.E. corner Genesee Street and Harris Hill Road; conditions noted. DISPOSITION = Planning Committee
152. Planning Board to Town Board -
Recommend approval of Site Plan of proposed addition to Town Line Volunteer Fire Department, Cemetery Road; conditions noted. DISPOSITION = Resolution 4/5/04
153. Planning Board to Town Board -
Recommend approval of Site Plan of proposed Hunt Real Estate Office, Como Park Boulevard. DISPOSITION = Planning Committee
154. Planning Board to Town Board -
Recommend approval of Site Plan of Samuel, Son & Co. proposed addition, north side Walden Avenue. DISPOSITION = Resolution 4/5/04

155. Planning Board to Town Board -
Recommend approval of Site Plan Modification of Wehrle Commons, S.W. corner Wehrle Drive and Harris Hill Road; comments noted. DISPOSITION = Planning Committee
156. Town Clerk to Town Board, Planning Board, Town Attorney, Town Engineer, & Building Inspector -
Notification of receipt of final amended NYS DEC Freshwater Wetland map. DISPOSITION = Received & Filed
157. General Crew Chief to Supervisor -
Request appointment of a seasonal employee in Parks & Recreation Department. DISPOSITION = Resolution 4/5/04
158. Supervisor to Dep. Commissioner -Real Property -
Request for an extension of Collector's Warrant for Town of Lancaster. DISPOSITION = Received & Filed
159. NYS Dept. of Environmental Conservation to Town Attorney -
Notification of Lead Agency for SEQR purposes for Tim Horton's Restaurant; concern noted. DISPOSITION = Received & Filed
160. Pusateri & Fitzgerald LLP to Town Clerk -
Notification of application for liquor license at Lancaster Raceway Park. DISPOSITION = Town Attorney
161. Helene Ryskalczyk to Supervisor & Council Members -
Expressed appreciation for work done by Highway Superintendent and his crew to alleviate drainage problems on her property. DISPOSITION = Received & Filed
162. NYS Dept. of Environmental Conservation to Lancaster Landowners -
Notification of amendment to the Freshwater Wetlands Maps for Erie County and in what manner it may affect their property. DISPOSITION = Received & Filed
163. Supervisor Town of Newstead to Town Board -
Request notification of concerns regarding a proposed elevated water storage tank in Town of Newstead. DISPOSITION = Received & Filed
164. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector & Town Engineer -
Notification SEQR Review meeting to be held April 5, 2004 at 6:30 P.M. regarding the site plan application of Tim Horton's Restaurant and Parkhaven Patio Homes Inc. DISPOSITION = Received & Filed
165. Town Clerk to Various News Media -
Notification SEQR Review meeting to be held April 5, 2004 at 6:30 P.M. regarding the site plan application of Tim Horton's Restaurant and Parkhaven Patio Homes Inc. DISPOSITION = Received & Filed
166. Village of Lancaster to Town Board -
Minutes of official meeting held March 8, 2004. DISPOSITION = Received & Filed
167. Town Engineer, Building Inspector to Town Board -
Recommend approval of dumping permit for Richard Reese, Jr., 120 Schlemmer Road. DISPOSITION = Resolution 4/5/04

- 168. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Tim Horton’s Restaurant, 496 Harris Hill Road; comments noted. DISPOSITION = Planning Committee

- 169. Executive Director, Youth Bureau to Supervisor -
Recommend leave of absence for Program Coordinator Lynn Harrington; recommend appointment of Patrick McDonald as Program Coordinator, Temporary.
DISPOSITION = Resolution 4/5/04

- 170. NYS Office for Technology to Supervisor -
Notice of segmentation pursuant to SEQR regarding the proposed Statewide Wireless Network. DISPOSITION = Town Attorney

- 171. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting, April 14, 2004 at 9:30 AM in Buffalo. DISPOSITION = Town Engineer

- 172. NYS DEC to Uniland Development Company -
Transmittal regarding Water Quality Certification for Eastport Commerce Center.
DISPOSITION = Planning Committee

- 173. Erie County Executive to Erie County Legislature -
Recommendation of appointments to E.C. Sewer District #4 Board of Managers.
DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:27 P.M in memory of Theodore Brunea.

Signed _____
Johanna M. Coleman, Town Clerk

